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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

DONALD MARVIN ERTZ and
DOROTHEA ERTZ,

Debtors.

Case No: 15-27934
DCNO: SSA-7

Date: August 29, 2017
Time: 9:30 a.m.
Place: U.S. Bankruptcy Court
501 Street, 6th Floor
Sacramento, CA 95814

Dept: B
Judge: Christopher D. Jaime

**MOTION FOR SALE OF PROPERTY OF THE ESTATE AND
ASSIGNMENT OF CONTRACT AND CONTRACT PROCEEDS
[11 U.S.C. §363(b)(1), (2)(b), BR 2002(a)(2), 6004(h) AND LBR 9014-1(F)(1)]**

[Sale of annuity contract with New York Life Insurance and Annuity Corporation and stream of payments of owner Mr. Donald M Ertz, Policy No. 756174371]

To: Debtors, their counsel of record, creditors and other parties in interest:

Trustee, Irma Edmonds, submits the following:

1. The present Motion is brought pursuant to Bankruptcy Code 11 U.S.C. §363(b)(1), (2)(b), BR 2002(a)(2) and LBR 9014-1(f)(1) of the Bankruptcy Code.

2. Trustee Edmonds is the duly appointed Trustee in the Chapter 7 case of Debtors, Donald Marvin Ertz and Dorothea Ertz, who filed their Chapter 7 case in the above entitled on October 9, 2015

3. The present motion seeks sale of the estate's interest in the following property:

Sale of Annuity Contract with New York Life Insurance and Annuity Corporation and stream of payments of owner Donald M. Ertz, Policy No. 75617437

9. The Trustee contends, based upon her investigation and circumstances surrounding this case, that it is in the best interests of case administration and for creditors of this estate if the sale be approved. The Trustee is also requesting this Court waive the stay requirements set forth under BR 6004(h) based upon the fact delay in completing the sale will only diminish the net proceeds to the bankruptcy estate and the agreement with the proposed buyer set forth above contemplates a payment date to the successful buyer of October 1, 2017.

10. Overbid: The Trustee would request that overbid by the Court be entertained in increments of \$200, following the presentation of the highest sale offer.

WHEREFORE the Trustee prays as follows:

1. For authorization to sell the subject property interest referenced above under the terms and conditions set forth herein;
2. For authority for the Trustee and the successful bidder to execute any further documents necessary or convenient to consummate this transaction;
3. For overbid, if any, in increments of \$200;
4. For waiver of BR 6004(h);
5. Such other relief the court deems just.

Dated: July 28 , 2017

Law Offices of Steven Altman, PC

By:

STEVEN S. ALTMAN
Attorney for Trustee